

## Comptroller of the Currency, Treasury

## § 167.1

167.6 Risk-based capital credit risk-weight categories.

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167.14–167.19 [Reserved]

APPENDIXES A–B TO PART 167 [RESERVED]

APPENDIX C TO PART 167—RISK-BASED CAPITAL REQUIREMENTS—INTERNAL-RATINGS-BASED AND ADVANCED MEASUREMENT APPROACHES

AUTHORITY: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note), 5412(b)(2)(B).

SOURCE: 76 FR 49070, Aug. 9, 2011, unless otherwise noted.

### Subpart A—Scope

#### § 167.0 Scope.

(a) This part prescribes the minimum regulatory capital requirements for Federal savings associations. Subpart B of this part applies to all Federal savings associations, except as described in paragraph (b) of this section.

(b)(1) A Federal savings association that uses appendix C of this part must comply with the minimum qualifying criteria for internal risk measurement and management processes for calculating risk-based capital requirements, utilize the methodologies for calculating risk-based capital requirements, and make the required disclosures described in that appendix.

(2) Subpart B of this part does not apply to the computation of risk-based capital requirements by a Federal savings association that uses appendix C of this part. However, these savings associations:

(i) Must compute the components of capital under §167.5, subject to the modifications in sections 11 and 12 of appendix C of this part.

(ii) Must meet the leverage ratio requirement at §§167.2(a)(2) and 167.8 with tier 1 capital, as computed under sections 11 and 12 of appendix C of this part.

(iii) Must meet the tangible capital requirement described at §§167.2(a)(3) and 167.9.

(iv) Are subject to §§167.3 (individual minimum capital requirement), 167.4 (capital directives); and 167.10 (consequences of failure to meet capital requirements).

(v) Are subject to the reservations of authority at §167.11, which supplement the reservations of authority at section 1 of appendix C of this part.

(c) [Reserved]

### Subpart B—Regulatory Capital Requirements

#### § 167.1 Definitions.

For the purposes of this subpart:

*Adjusted total assets.* The term *adjusted total assets* means:

(1) A Federal savings association's total assets as that term is defined in this section;

(2) Plus the prorated assets of any includable subsidiary in which the savings association has a minority ownership interest that is not consolidated under GAAP;

(3) Minus:

(i) Assets not included in the applicable capital standard except for those subject to paragraphs (3)(ii) and (3)(iii) of this definition;

(ii) Investments in any includable subsidiary in which a savings association has a minority interest; and

(iii) Investments in any subsidiary subject to consolidation under paragraph (2)(ii) of this definition.

*Asset-backed commercial paper program.* The term *asset-backed commercial paper program* (ABCP program) means a program that primarily issues commercial paper that has received a credit rating from an NRSRO and that is backed by assets or other exposures held in a bankruptcy-remote special purpose entity. The term *sponsor* of an ABCP program means a Federal savings association that:

(1) Establishes an ABCP program;

(2) Approves the sellers permitted to participate in an ABCP program;

(3) Approves the asset pools to be purchased by an ABCP program; or

(4) Administers the ABCP program by monitoring the assets, arranging for